

REMARKS

Claims 1-6 and 9-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kim (US 6,225,130 B1).

Claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Park et al. (US 6,287,899 B1).

Claims 8 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Park et al. (US 6,335,276 B1).

A. Request for Withdrawal of Finality

Initially, Applicants respectfully assert that the finality of the Office Action is improper. MPEP § 1208.02 directs that [t]he Office action containing a new ground of rejection may be made final if the new ground of rejection was (A) necessitated by amendment, or (B) based on information presented in an information disclosure statement under 37 CFR 1.97(c) where no statement under 37 CFR 1.97(e) was filed.” The Office Action states, at page 8, that “Applicants’ amendment necessitated the new ground(s) of rejection presented in this Office Action.” However, Applicants’ Response filed on May 22, 2003 was a Request for Reconsideration and not an Amendment. Furthermore, no Information Disclosure Statement under 37 C.F.R. § 1.97(c) was filed. Therefore, Applicants respectfully assert that the finality of the Office Action is improper, and respectfully request that the finality of the Office Action be withdrawn.

B. All Claims Define Allowable Subject Matter

Claims 1-6 and 9-13 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Kim (US 6,225,130 B1), claims 7 and 14 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Park et al. (US 6,287,899 B1), and claims 8 and 15-17 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Kim in view of Park et al. (US 6,335,276 B1). Applicants respectfully traverse these rejections as being based upon prior art references, taken singly and combined, that neither teaches nor suggests the novel combination of features recited in independent claim 1, and hence dependent claims 2-17.

Independent claim 1 recites a method of fabricating a liquid crystal display device including at least steps of “forming a passivation layer to cover the second metal layer” and “patterning the passivation layer, the active layer, and the insulating layer.” The Office Action alleges that the steps shown in FIGs. 13A-13C are the steps of “forming a passivation” and “patterning the passivation layer, the active layer, and the insulating layer,” as claimed. Applicants respectfully disagree.

In contrast to Applicants’ claimed invention, the steps shown in FIGs. 13A-13C of Kim teach forming and etching a passivation layer 70 to form a plurality of contact holes 71-74 after patterning an active layer 40 during the steps shown in FIGs. 10-12. Thus, Applicants respectfully assert that Kim fails to teach or suggest steps of “forming a passivation layer to cover the second metal layer” and “patterning the passivation layer, the active layer, and the insulating layer,” as recited by independent claim 1, and hence dependent claims 2-17.

Applicants further assert that the Office Action does not rely on Park et al. ('899) and/or Park et al. ('276) to provide motivation to modify Kim. Moreover, Applicants respectfully assert that Park et al. ('899) and/or Park et al. ('276) cannot provide proper motivation to modify Kim.

Furthermore, Applicants respectfully submit that dependent claims 2-17 are allowable for all of the reasons discussed above with regard to independent claim 1, from which they depend, as well as the individual features each of dependent claims 2-17 recite.

For the above reasons, Applicants respectfully assert that the rejections under 35 U.S.C. §§ 102(e) and 103(a) should be withdrawn because Kim, Park et al. ('276), and/or Park et al. ('899) whether taken individually or in combination, neither teach nor suggest the novel combination of features clearly recited in independent claim 1, and hence dependent claims 2-17.

Conclusion

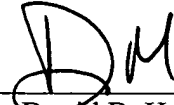
In view of the foregoing amendments and remarks, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner believe that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicants' undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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